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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,599	01/28/2002	Michael Wayne Brown	AUS920010525US1	4034

7590 08/24/2004

Marilyn Smith Dawkins  
International Business Machines Corporation  
Intellectual Property Law Department  
11400 Burnet Road, Internal Zip 4054  
Austin, TX 78758

EXAMINER

ZHOU, TING

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/058,599	Applicant(s) BROWN ET AL.	
	Examiner Ting Zhou	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) *   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/28/02, 4/10/02</u> . | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 3-5, 7-9 and 11-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Siddiqui et al. U.S. Patent 6,097,371.

Referring to claims 1, 5 and 9, Siddiqui et al. teach a method, system and program comprising detecting a graphical user interface (column 16, lines 17-19), a rotation of a scroll wheel position (detecting signals produced by rotation of the roller) (column 2, lines 31-36 and column 7, lines 1-11), and rotating a z-order of a plurality of ordered displayable objects within a graphical interface according to the rotation of the scroll wheel position, such that a z-order level of each of the plurality of ordered displayable objects is incrementally adjusted according to the rotation of the scroll wheel position (using the roller to scroll through several overlapping windows; in scrolling through the plurality of overlapping windows, the z-order level of the windows are adjusted; for example, as the user scrolls from the first overlapping window to the overlapped window underneath, the z-order of the overlapped window changes to become the most visible window, etc.) (column 2, lines 26-43).

Referring to claims 3, 7 and 11, Siddiqui et al. teach rotating only a particular window from among the plurality of ordered displayable objects within the z-order (for example, the user scrolls, or rotates the first displayed window to view the next, previously overlapped window) (column 2, lines 26-43).

Referring to claims 4, 8 and 12, Siddiqui et al. teach adjusting the z-order of the plurality of ordered displayable objects according to a criteria for the z-order (rotating through the overlapped windows after receiving a signal from the roller and according to a predetermined amount of rotation) (column 2, lines 35-43).

Referring to claims 13, 15 and 17, Siddiqui et al. teach a method, system and program comprising a graphical user interface comprising a plurality of displayable objects ordered in a z-order (system displaying several overlapping windows) (column 2, lines 26-36), receiving a selection of a particular displayable object from a among a plurality of displayable objects displayed within a graphical user interface in a z-order (using the input device to select one of several overlapping windows) (column 2, lines 26-28), detecting a rotation of a scroll wheel position (detecting signals produced by rotation of the roller) (column 2, lines 31-36 and column 7, lines 1-11), and rotating a z-order of the particular displayable object within the z-order according to the rotation of the scroll wheel position (using the roller to scroll through several overlapping windows; in scrolling through the plurality of overlapping windows, the z-order level of the windows are adjusted; for example, as the user scrolls from the first overlapping window to the overlapped window underneath, the z-order of the overlapped window changes to become the most visible window, etc.) (column 2, lines 26-43).

Referring to claims 14, 16 and 18, Siddiqui et al. teach receiving the selection comprising at least one from a cursor input, a keyboard input, and a voice input indicating the particular displayable object (using cursor and keyboard inputs for spatial navigation of the interface) (column 2, lines 8-31 and column 12, lines 43-61 and column 23, lines 62-64).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siddiqui et al. U.S. Patent 6,097,371, as applied to claims 1, 5 and 9 above, and Hijikata U.S. Patent 5,898,433.

Referring to claims 2, 6 and 10, Siddiqui et al. teach all of the limitations as applied to claims 1, 5 and 9 above. Specifically, Siddiqui et al. teach displaying and adjusting the z-order of a plurality of ordered displayable objects (displaying and scrolling through a plurality of overlapped windows) (Siddiqui et al.: column 2, lines 26-43). However, Siddiqui et al. fail to explicitly teach adjusting a transparency of a selection of the plurality of ordered displayable objects positioned at a particular level within the z-order. Hijikata teaches an interface for displaying windows in a particular z-order (Hijikata: column 3, lines 54-61) similar to that of Siddiqui et al. In addition, Hijikata further teaches adjusting a transparency of a selection of the

plurality of ordered displayable objects positioned at a particular level within the z-order (changing the display states, or transparency levels of windows according to the depth quantities, or z-order) (Hijikata: column 3, lines 54-61, column 4, lines 32-41 and column 5, lines 16-26). It would have been obvious to one of ordinary skill in the art, having the teachings of Siddiqui et al. and Hijikata before him at the time the invention was made, to modify the interface for displaying windows in a z-order of Siddiqui et al. to include adjusting the transparencies of windows taught by Hijikata. One would have been motivated to make such a combination to reduce the possibility of causing the user to get confused by the window front/back relationship, in order to effectively arrange the display screen to present a three-dimensional array of windows in an easy-to-understand manner; furthermore, this combination allows the user to perceive intuitively the boundary areas of the windows or positional relationships therebetween and can improve the ease of use of the window system.

3. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach similar uses of a rotational scroll wheel for navigation.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (703) 305-0328. The examiner can normally be reached on Monday - Friday 8:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

9 August 2004



CAO (KEVIN) NGUYEN  
PRIMARY EXAMINER